

Appl. No. 09/977,721
Amdt. Dated July 19, 2005
Reply to Office Action of May 19, 2005

REMARKS

Applicants acknowledge the Office Action mailed on May 19, 2005, and request re-examination of the above-mentioned application in view of the following amendments and remarks.

Status of the Claims

Originally, claims 1-54 were pending in the present application. Claims 2, 6, 7, 10-17, 19-26, 31, 32, 39-44 and 48 have been withdrawn from consideration. In the present Office Action, the Examiner allows claims 1, 3-5,¹ 8, 9 and 18. In addition, claims 27-30, 33-38, 45-47, 49 and 52-54 stand rejected by the Examiner. Finally, the Examiner objects to claims 50 and 51 as including allowable subject matter but depending from a rejected base claim. Claim 35 has been amended to correct a grammatical error.

Rejections under 35 U.S.C. § 103

Claims 27-30, 33-38, 45-47, 49 and 52-54 stand rejected as obvious in view of the combination of U.S. Patent 5,791,715 to Nebel and U.S. Patent 6,227,607 to Dewald.

With this amendment, Applicants amend independent claim 27 to include limitations recited in claim 50. Since the Examiner has indicated claim 50 includes allowable subject matter, Applicants believe that with the present amendment, independent claim 27 now includes allowable subject matter. Accordingly, Applicants assert claim 27 is allowable over the cited prior art references.

¹ Applicants wish to point out that in the Office Action of November 16, 2004, the Examiner indicated claim 5 was objected to but would be allowable if rewritten in independent form to include the limitations of the base claim and any intervening claims. In response to that Office Action, Applicants amended claim 1 to include the limitations of dependent claim 5 and cancelled claim 5. Accordingly, claim 5 is not presently pending.

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Dependent claims 28-30, 33-38 and 45 each ultimately depend from independent claim 27. Accordingly, Applicants believe these dependent claims are allowable over the cited prior art.

Applicants respectfully traverse the rejection of independent claim 46. Claim 46 reads, in part: "the movement of said expandable room into the retracted position ***causes said latch mechanism to assist said drive mechanism*** in withdrawing a portion of said expandable room" (emphasis added). Applicants previously argued that in rejecting this claim, the Examiner failed to demonstrate which prior art reference teaches this limitation. In response, the Examiner states "Dewald teaches the movement of the expandable room to the retracted position causes said latch mechanism to assist the drive mechanism in withdrawing a portion of the expendable room" in the Summary of the Invention. Applicants respectfully disagree.

The Summary of the Invention of the prior art Dewald reference reads in its entirety:

The present invention provides a latching mechanism for a slide out room that includes a latch which latches the slide out room to the main living area so that the ceiling is engaged with the slide out room, thereby preventing entry of moisture or other environmental elements. The latch is operated by an actuator which is responsive to relative movement between the slide out room and the main living area to engage the latch as the slide out room reaches the fully retracted position and to disengage the latch as the slide out room begins to move away from the fully retracted position. In this way, the slide out room is automatically latched to the main living area when the slide out room is retracted for travel and is automatically unlatched as the room is extended for use.

This language does not describe the latch mechanism as assisting the drive mechanism in withdrawing a portion of the room. Rather, this passage states that the latch is operated by an actuator that is responsive to relative movement of the room and the living area. The latch engages "*as the slide out room reaches the fully*

retracted position." Thus, the latch mechanism described in the prior art Dewald reference is actuated once the room has been fully retracted, and the latching mechanism of the prior art Dewald reference does not assist the drive mechanism in withdrawing a portion of the room.

With the above understanding, Applicants believe independent claim 46 is allowable over the cited prior art. Moreover, as dependent claims 47, 49, 52 and 53 each ultimately depend from claim 46, Applicants believe these dependent claims are also allowable over the cited references.

Applicants further believe claim 54 is allowable over the cited references. Claim 54 claims, in part, "the latching mechanism retaining the expandable room in the retracted position and ***withdrawing a portion of the expandable room into the retracted position as said expandable room moves in the direction of said side wall***" (emphasis added). Again, Applicants submit that the Summary of the Invention of the prior art Dewald reference does not teach a latching mechanism capable of withdrawing a portion of the expandable room into the retracted position. Rather, the prior art Dewald reference teaches a latching mechanism that retains the slide out room in the retracted position by engaging the slide out room "as the slide out room reaches the fully retracted position." In essence, the prior art Dewald reference teaches a latch that retains the slide out room in the retracted position, while the present invention includes a latching mechanism capable of assisting the drive mechanism in withdrawing a portion of the slide out room into the retracted position.

For the reasons set forth above, Applicants believe all pending independent claims are allowable over the cited prior art. All pending dependent claims ultimately depend from one of independent claims 1, 27, 46, and 54. As all independent claims are allowable over the cited prior art references for the reasons set forth above, Applicants assert all pending dependent claims are also allowable.

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Applicants believe the present application is in condition for allowance and respectfully request passage to issuance. If necessary to affect a timely response, please consider this paper a request for an extension of time, and charge any shortages in fees, or apply any overpayment credits, to Baker & Daniels' Deposit Account No. 02-0387 (75327.63). However, please do not include the payment of issue fees.

Respectfully submitted,



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I hereby certify that this correspondence is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on July 19, 2005.



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July 19, 2005

Date